

### **REMARKS**

Please reconsider the application in view of the following remarks. Applicant thanks the Examiner for carefully considering this application.

#### **Disposition of Claims**

Claims 29-48 are pending in this application. Claims 29 and 40 are independent. The remaining claims depend, directly or indirectly, from claims 29 and 40.

#### **Drawings**

Applicant respectfully requests the Examiner to acknowledge the drawings filed on August 9, 2000, as formal.

#### **Acknowledgement of Priority**

Applicant respectfully requests the Examiner to acknowledge the claim for priority to European Patent Application 98400285.7 filed on February 9, 1998.

#### **Rejections under 35 U.S.C. § 102**

Claims 29-48 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,713,795 ("Kohorn"). This rejection is respectfully traversed.

The claimed invention provides a method and apparatus that enables a user to quickly open and credit a gaming account associated with a *live action* broadcast event (e.g., horse racing, dog racing, etc.), thereby avoiding other elaborate payment methods. The claimed invention recites a receiver/decoder including "*a subscription card reading device* for interacting with a user's subscription card for providing user access to the live-action broadcast event," and "*a bank card reading device* for interacting with a user's bank card to read data stored thereon." The subscription card reading device reads a subscription card including decryption keys associated with the system that allows a user to access the live action broadcast event. Further, the bank card reading device provides access to a user's bank account such that funds may be transferred from the user's bank account to a gaming account used to bet on live action broadcast events.

In contrast to the present invention, Kohorn relates to a system and method for wagering and for evaluating responses to broadcast programs, such as *television or radio* programs. Kohorn discloses a method whereby two signals are broadcast by a central station to receiving stations. One of these two signals is a program signal for presenting on the television screen a program generated in the studio. The second of the two signals is an instructional or command signal for operation of a response unit, where the instructional signal provides appropriate commands to the response unit for evaluating, rejecting or accepting, and scoring audience responses to questions raised in the televised/radioed program (see, *e.g.*, Figure 1 of Kohorn).

Applicant respectfully asserts that Kohorn does not anticipate the claimed invention for at least the following reasons:

- i.* Kohorn fails to disclose or suggest a receiver/decoder having a subscription card reading device. The Examiner refers to reference numeral 362 in Figure 8 of Kohorn as a subscription card; however, the text accompanying Figure 8 in Kohorn clearly discloses that reference numeral 362 is a recording medium (see, *e.g.*, col. 36, ll. 18-19 of Kohorn), which is *not* a subscription card as defined in the claimed invention;
- ii.* Kohorn fails to disclose or suggest a receiver/decoder having a modem for communicating data read from a user's bank card to a communication server connected to a bank server. In the present invention, the data that is communicated to the communication server is subsequently used to transfer funds to a gaming account associated with the user. In contrast, Kohorn discloses that "the system employs traditional telephone facilities at a central location which may be operating by a telephone company, a subscriber service, or other facilities operation. The facilities are contacted by a person wishing to place a bet on the outcome of an event, such contacting being done by *conventional communication means*." Kohorn further discloses an example involving a bettor who dials places a bet by dialing a "900" number and an additional specified number of digits using a telephone

(col. 70, ll. 5-34 of Kohorn). Thus, it is clear that Kohorn does not teach or suggest a modem device for communicating data read from the user's bank card in order to transfer funds from a user's bank account to a gaming account.

- iii.* Kohorn fails to disclose or suggest a receiver/decoder including a bank card reading device, which is used in the present invention to read data stored on the user's bank card. The Examiner points to reference numeral 708 in Figure 24 of Kohorn in asserting that Kohorn discloses a bank card reading device as defined in the present invention. However, reference numeral 708 refers to a *bank*, not a bank card reading device (see, *e.g.*, col. 65, ll. 29-35 of Kohorn). In Kohorn, a user authorizes a central facility to charge the user's account *at the bank*. In contrast, the present invention discloses using a modem to *transfer funds* from the user's bank account to a gaming account using the bank card reading device.

In view of the above, it is clear that Kohorn fails to disclose or suggest each and every element of independent claims 29 and 40. Thus, independent claims 29 and 40 are patentable over Kohorn. Further, dependent claims 30-39 and 41-48 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/025001).

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Respectfully submitted,

By 

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